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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/018,557 | 04/11/2002 | John Hawkins | MPD316 | 2017 |

7590

08/01/2003

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| EXAMINER |
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METZMAIER, DANIEL S

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| ART UNIT | PAPER NUMBER |
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1712

DATE MAILED: 08/01/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/018,557

Applicant(s)

HAWKINS, JOHN

Examiner

Daniel S. Metzmaier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-8 are pending in the instant application. Claims 1-3 and 6 were amended by the amendment filed May 13, 2003, Paper No. 8.

Allowable Subject Matter

1. The indicated allowability of claims 4-8 is withdrawn in view of the newly discovered reference(s) to Clapperton et al, US 6,090,762. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clapperton et al, US 6,090,762, in view of van de Pas et al, US 4,530,780, as evidenced by Derwent Abstract, AN 1983-52014k.

Clapperton et al (column 6, lines 55 et seq) discloses aqueous based structured surfactant compositions employing a stabilizer system to deflocculate the structured surfactant system. Clapperton et al (column 7, lines 36-40, and column 8, lines 45-49) disclose the use of monovalent electrolytes with higher polyethoxylates employing 7 to 80 moles of ethylene oxide per molecule. Clapperton et al (column 8, lines 62-65) teaches alcohol thoxylates are highly effective stabilizers for systems, which further employ other types of soluble polymers. Clapperton et al (column 11, lines 30 et seq, particularly lines 34 and 38-39; column 15, lines 47-51; and column 16, lines 45-58) teaches the use of monovalent electrolytes with C₆₋₂₀ alkyl ethoxylates having preferably 25-75 moles, most preferably 40-55 moles, of ethyleneoxy groups per molecule. Clapperton et al (column 14, lines 17 et seq) teaches a number of monovalent electrolytes including alkali metal chlorides and iodides among others. Clapperton et al (column 14, lines 50-53) teaches it is often desirable to include potassium salts in the electrolyte for the advantage of reducing viscosities or increasing electrolyte concentrations.

Clapperton et al (column 15, lines 26-30) teaches the concentrations of the nonionic stabilizers and column 16, lines 45-48) teach concentrations for the electrolytes. Said concentrations read on the concentrations of claim 3. Clapperton et al (throughout) discloses the formation of spherulitic, L₂, and G phase structured

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surfactants without mention of temperature. Said temperature is concluded to be room temperature, which is below 40°C and 50°C in claims 2 and 3, respectively.

Clapperton et al differs from the claims in the exemplified use of a water soluble thiocyanate compound as the electrolyte.

Clapperton et al (column 6, lines 1-25; particularly lines 22-23) disclose EP 0079646 as prior art structured surfactant compositions. The Derwent Abstract An 1983-52014k corresponds to EP 0079646 and shows said document to be a patent family member of van de Pas et al, US 4,530,780. The references are combinable because van de Pas et al is cited as prior art structured surfactant compositions in the Clapperton et al reference.

van de Pas et al (abstract; column 2, lines 3-40; examples; and claims) discloses the use of alkali metal rhodamides (synonymous with alkali metal thiocyanate) as an auxiliary electrolyte in combination with other electrolytes including polyvalent, wherein said mixture advantageously improves the stability of the structured surfactants. van de Pas et al (examples) discloses nonionic surfactants, which overlap those of the Clapperton et al reference.

These references are combinable because they teach structured surfactant compositions and compositions incorporating said surfactant systems. It would have been obvious to one of ordinary skilled in the art at the time of applicants' invention to employ mixtures of electrolytes including as the auxiliary electrolyte, water soluble thiocyanate compound, as taught in the van de Pas et al reference.

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Clapperton et al (column 21, line 25 to column 27, line 47; and examples) disclose formulating detergent compositions employing the structured surfactant stabilizers as summarized herein above. It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to employ structured surfactants in the compositions as disclosed in the Clapperton et al reference as taught therein. The individual components and the concentrations thereof are broadly taught in the Clapperton et al reference.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Metzmaier whose telephone number is (703) 308-0451. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Dawson can be reached on (703) 308-2340. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


Daniel S. Metzmaier
Primary Examiner
Art Unit 1712

DSM
July 28, 2003